

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v)
) Civil Action No. H-18-4020
JAGMAIL S. GILL)
)
Defendant.)

UNITED STATES' MOTION TO RECONSIDER THE COURT'S ORDER (Dkt. #3)

The United States of America files this motion to reconsider the Court's Order, *Dkt. #3*, that the United States must serve defendant and file a proof of service by April 12, 2019, because the 90-day rule does apply where service in a foreign country is required. The United States further states as follows:

1. Federal Rule of Civil Procedure Rule 4(m) requires that a defendant must be served within 90 days unless service is in a foreign country. The United States has determined that Jagmail Gill is a resident of the United Kingdom. Thus, service upon Jagmail Gill is required in a foreign country. Accordingly, the 90-day rule in Federal Civil Procedure Rule 4(m) would not apply.

2. The United Kingdom is a signor of the Hague Convention. To effect service upon the Jagmail Gill in the United Kingdom, the United States must serve the summons and complaint according to the Hague Convention. Counsel for the United States is undergoing the process to accomplish this task.

3. Undersigned counsel for the United States, has also contacted Jagmail Gill's power of attorney who had the authority to represent Gill in pre-litigation settlement discussions. The

United States has inquired to the power of attorney to see whether she will accept service on behalf of Jagmail Gill. To date, counsel for the United States has not received a response from the power of attorney.

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Principal Deputy Assistant Attorney General

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ATTORNEYS FOR UNITED STATES

CERTIFICATE OF SERVICE

I certify that service of the foregoing document has been made on April 12, 2019, by regular mail to:

Nicole M. Elliott
HOLLAND & KNIGHT
800 17th Street NW, NW, Suite 1100
Washington, DC 20006

Power of attorney for Jagmail Gill

/s/Herbert W. Linder
HERBERT W. LINDER